

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Civil Action  
No: 10-10764-WGY

KAREN KELLY McCABE  
Appellant

v.

JOSEPH BRAUNSTEIN  
Appellee

**ORDER AND JUDGMENT**

YOUNG, D.J.

This Court AFFIRMS the bankruptcy court's determination that the unjust enrichment claim is a core matter and REVERSES the determination that the equitable subrogation claim is a core matter.

Considering the equitable subrogation claim as a court of original jurisdiction, the Court DENIES Karren McCabe's motion for summary judgment and ALLOWS the Trustee's motion for summary judgment, awarding the Trustee the \$142,355.50.

Performing its role as an intermediate appellate court, the Court AFFIRMS the bankruptcy court's ruling on the unjust enrichment claim. The Trustee is entitled to recover \$142,355.50 from Karren McCabe, as an alternative theory to equitable subrogation

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By the Court,

/s/ Elizabeth Smith

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Deputy Clerk

October 28, 2010